

**BEFORE THE INDUSTRIAL COMMISSION OF THE STATE OF IDAHO**

NORM W. CURTIS,	)	
	)	<b>IC 02-511354</b>
Claimant,	)	<b>IC 04-505885</b>
v.	)	
	)	
MICHAEL RICE dba	)	<b>ORDER</b>
PERFORMANCE ASSOCIATES,	)	
	)	
Employer,	)	
and	)	FILED FEB 28 2006
	)	
IDAHO STATE INSURANCE FUND,	)	
	)	
Surety,	)	
Defendants.	)	
	)	

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Pursuant to Idaho Code § 72-717, Referee Douglas A. Donohue submitted the record in the above-entitled matter, together with his proposed findings of fact and conclusions of law to the members of the Industrial Commission for their review. Each of the undersigned Commissioners has reviewed the record and the recommendations of the Referee. The Commission concurs with these recommendations. Therefore, the Commission approves, confirms, and adopts the Referee's proposed findings of fact and conclusions of law as its own.

Based upon the foregoing reasons, IT IS HEREBY ORDERED that:

1. Claimant suffered compensable temporary strain or sprain injuries to his low back on June 3, 2002 and March 4, 2004, both of which have resolved to reasonable medical stability.
2. Claimant's underlying degenerative disc disease was not caused nor permanently exacerbated by the compensable injuries and the requested surgical fusion is not compensable.
3. Claimant is entitled to benefits for medical care provided to the date of hearing.

4. Pursuant to Idaho Code § 72-718, this decision is final and conclusive as to all issues adjudicated.

DATED this 28<sup>TH</sup> day of FEBRUARY, 2006.

INDUSTRIAL COMMISSION

/S/\_\_\_\_\_  
Thomas E. Limbaugh, Chairman

/S/\_\_\_\_\_  
James F. Kile, Commissioner

/S/\_\_\_\_\_  
R. D. Maynard, Commissioner

ATTEST:

/S/\_\_\_\_\_  
Assistant Commission Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that on 28<sup>TH</sup> day of FEBRUARY, 2006, a true and correct copy of the foregoing **ORDER** was served by regular United States Mail upon each of the following:

James Combo  
2005 Ironwood Parkway, Ste. 201  
Coeur d'Alene, ID 83814

Paul J. Augustine  
P.O. Box 1521  
Boise, ID 83701

db

/S/\_\_\_\_\_